

NO. 23108

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

PATRICIA COUGHLIN,)	CIV. NO. 88-0642
)	
Plaintiff-Appellant,)	
)	
vs.)	
)	
WILLIAM CATALDO,)	
)	
Defendant-Appellee,)	
)	
and)	
)	
ALOHA UNLIMITED, INC., CLIFFORD)	
KAONUI, GARY HEILIGMAN,)	
CATHERINE MAWAE, RONALD)	
TAKEUCHI, RANDALL Y.K. CHAR,)	
ALOHA ONE, INC., ALOHA VIP)	
TOURS, INC., SUSAN WONG, OREN)	
MURAKAMI, and JILL KAEAIKALA-)	
AWONG and DOE DEFENDANTS 1-10,)	
)	
Defendants.)	

WILLIAM ANTHONY CATALDO,)	CIV. NO. 88-0961
)	
Plaintiff,)	
)	
vs.)	
)	
ALEXANDER & BALDWIN, INC., a)	
Hawai'i corporation; THE CHASE)	
MANHATTAN BANK, N.A.; STATE OF)	
HAWAI'I; CITY AND COUNTY OF)	
HONOLULU; PATRICIA MARYANN)	
COUGHLIN; JOHN DOES 1-10;)	
JANE DOES 1-10; DOE)	
GOVERNMENTAL ENTITIES 1-10, DOE)	
PARTNERSHIPS 1-10, and DOE)	
CORPORATIONS 1-10,)	
)	
Defendants.)	

ORDER DISMISSING APPEAL

Upon review of the record, it appears that: (1) the assertion that defendant Cataldo violated the April 16, 1993

preliminary injunction was not a claim for relief in the complaint filed in Civil No. 88-0642 for which judgment was demanded under HRCF 8(a) and for which judgment could be entered under HRCF 58; (2) the December 22, 1999 judgment, which purports to be an HRCF 58 final judgment on the April 4, 1997 order determining that defendant Cataldo did not violate the preliminary injunction, is of no legal effect and is not appealable; (3) the April 4, 1997 order, which denied enforcement of the preliminary injunction, was immediately appealable under the collateral order doctrine, but no collateral order appeal was filed; (4) the April 4, 1997 order is not reviewable on appeal of the December 22, 1999 judgment dismissing all claims in Civil No. 88-0642 inasmuch as the judgment was entered pursuant to the September 20, 1999 stipulated dismissal of all claims under HRCF 41(a)(1)(B) and the stipulated dismissal with prejudice is not appealable; see 8 *Moore's Federal Practice*, § 41.34[7][b] (Matthew Bender 3d. ed.) ("A party may not appeal from a stipulated dismissal with prejudice because it is not an involuntary adverse judgment."); and thus, (5) we lack jurisdiction over this appeal. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, June 22, 2000.

RONALD T.Y. MOON, Chief Justice

STEVEN H. LEVINSON, Associate Justice

PAULA A. NAKAYAMA, Associate Justice

MARIO R. RAMIL, Associate Justice

SANDRA A. SIMMS, Acting Associate Justice